

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID GEVAS, B 41175)	
)	
Plaintiff,)	
v.)	No. 08 C 3074
)	
TERRY McCANN, et al.,)	Judge Guzman
)	
Defendants.)	

PLAINTIFF'S MOTION IN LIMINE NO. 1

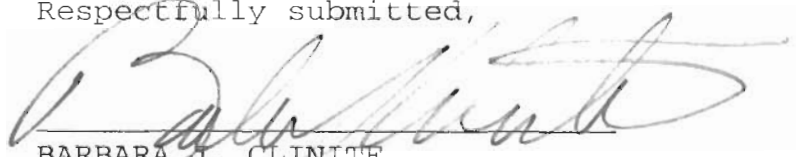
NOW COMES the Plaintiff, by his attorney, BARBARA J. CLINITE, and pursuant to the Federal Rules of Evidence and Federal Rules of Civil Procedure, moves this Honorable Court in limine for an Order precluding the Defendants, their attorneys, and witnesses, from placing before the jury any evidence, facts, argument, remarks or comments concerning the following:

1. Any facts tending to show that the Plaintiff and/or any of his witnesses had been arrested and/or charged with any crimes for which he was not convicted. Cohen v. Checker Taxi Co., 217 F.2d 449 (7th Cir.1954)
2. Any facts tending to show that the Plaintiff was convicted of a crime on any occasion, not involving dishonesty or false statement or one for which the conviction and incarceration was over 10 years ago. F.R.Ev. 603.
3. Any facts which would tend to show more than just the charge and sentence for any convictions which the Court may allow to be used for impeachment, such being irrelevant and highly prejudicial.

The facts and the details of such arrests and/or convictions, if any, have no relevance to this case. The prejudicial effect would greatly outweigh any probative value. Hernandez v. Cepeda, 860 F.2d 260, 264 (7th Cir.1988) Such facts are generally not admissible under Rule 609(a) of the Federal Rules of Evidence, because of the highly prejudicial effect, balanced against remote probative value.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order precluding the defense from mentioning, commenting upon, arguing or otherwise conveying such facts to the jury, without first seeking leave of court outside the jury's presence.

Respectfully submitted,



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Attorney for the Plaintiff

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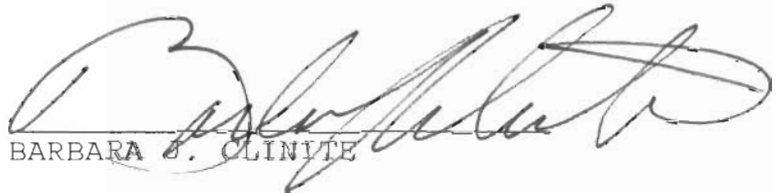
PROOF OF SERVICE

The undersigned, as attorney, hereby certifies that on
JUNE 2, 2011 I caused to be electronically filed
the Plaintiff's MOTION IN LIMINE NO. 1 with the Clerk of the
Court using the CM/ECF system which will send notification of
such filing to the following:

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